REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. New claims 56-63 are presented for examination. Claims 51-63 are pending, of which claim 51 has been amended.

35 U.S.C. §102

Claims 51-55 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,790,935 to Payton (hereinafter, "Payton") (*Final Office Action* dated 4/9/02). Applicant respectfully traverses the rejection.

Payton describes an information system that delivers information to local subscribers. The system is illustrated in Fig. 2 and describes a distribution server (24), a digital transport system (26), and a local server (28) connected to a subscriber (32). The distribution server stores information that is transmitted to the local server via the transport system where the information is made available to the subscriber. (*see* Fig. 2; col. 4, lines 45-54). In addition to the one transport system (26), Payton also describes a backchannel (30) that is used to transmit data from the provider back to the server "and to transmit some of the lists of recommended items from the server to the respective local servers." (*see* Fig. 2; col. 6, lines 51-55).

Claim 51 recites a content provider, comprising:

... the server serving the content via the first network to the local service provider; and

a transmitter, responsive to the server, to transmit the content over a second network to the local service provider, the second network providing additional bandwidth so that the transmitter can serve the content to the local service provider in an event that the content is not served via the first network within a designated time period.

Payton does not teach or suggest a server to serve content via a first network to a local service provider and a transmitter to transmit the content over a second network to the local service provider, "the second network providing additional bandwidth so that the transmitter can serve the content to the local service provider in an event that the content is not served via the first network within a designated time period", as recited in claim 51.

Payton describes only one transport system (26) to transmit information from server (24) to local server (28) (col. 4, lines 45-54), and a backchannel (30) used to transmit some lists of recommended items from the server to the respective local servers (col. 6, lines 51-55). Payton does not teach that the backchannel provides additional bandwidth to serve the information in an event that the information is not served via the transport system within a designated time period.

Accordingly, independent claim 51 is allowable over Payton and Applicant respectfully requests that the §102 rejection be withdrawn. Additionally, dependent claims 52-55 are allowable by virtue of their dependency upon claim 51.

New Claims

New claims 56-63 are presented for examination. Based on the above discussion regarding Payton, Applicant believes that claims 56-63 are also allowable over the reference of record. Support for claims 56-63 can be found in the Specification at p. 22, line 16 through p. 24, line 4, and in Fig. 6.

Claim 56 is allowable by virtue of its dependency upon claim 51. Additionally, claim 56 recites that "the first network is a high-speed, high-bandwidth network", and "the second network is a broadcast satellite network."

Payton does not teach or suggest two such networks. The transport system (26) is shown as a satellite network (Fig. 2, col. 5, lines 62-63). However, the backchannel (30) is low bandwidth channel (col. 4, lines 49-50; col. 6, lines 51-58). Accordingly, claim 56 is allowable over Payton.

Claim 57 recites "...a high-speed, high-bandwidth network to communicate the content from the server to the local service provider", and "a broadcast satellite network to communicate the content from the server to the local service provider." As described above in the description of claim 56, Payton does not teach both a broadcast satellite network and a high-speed, high-bandwidth network as recited in claim 57. Accordingly, independent claim 57 and dependent claims 58-63 are allowable over Payton.

Conclusion

Pending claims 51-63 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. If any issues remain that preclude issuance of this application, the Examiner is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated: _Oct. 3, 2002_   By: _David A. Morasch_
David A. Morasch
Reg. No. 42,905
(509) 324-9256 x 210

Version of amended claims with markings to show changes made

51.   **(Twice Amended)**   A content provider, comprising:

a storage system to store content;

a server connected to the storage system to serve the content to a local service provider which provides the content to multiple clients;

a network port adapted for connection to a first network, the server serving the content via the first network to the local service provider; and

a transmitter, responsive to the server, to transmit the content over a second network to the local service provider, the second network providing additional bandwidth so that the transmitter can serve the content to the local service provider in an event that the content is not served via the first network within a designated time period.

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